

Appl. No.: 09/900,283
Amdt. dated February 23, 2005
Reply to Office Action of Dec. 17, 2003

II. Remarks In Response to the Office Action

A. General Remarks

Claims 1-21 were pending in the application prior to this reply. Claims 1-21 have been cancelled, and new claims 33-47 have been added. Therefore, claims 33-47 are pending in the application.

B. Elections/Restrictions

Applicants elect Group I (Claims 1-21) without traverse and cancel claims 21-32 without prejudice to pursuing these claims in a divisional application.

C. Claim Objections

Claims 9-12 and 15 are objected to for informalities noted by the Examiner. Claims 9-12 and 15 have been cancelled so that the objection is now considered moot. Applicants, however, have added new claims with consideration to the informalities noted by the Examiner.

D. Claim Rejections under 35 U.S.C. § 102

Claims 1, 3-6, 8-14, 16, 19, 20 and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,751,633 by Farrell et al. ("Farrell"). Claims 1, 3-6, 8-14, 16, 19, 20 and 21 have been cancelled so that the rejection is now considered moot.

E. Claim Rejections under 35 U.S.C. § 103

Claims 2 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Farrell in view of U.S. Patent 6,519, 714 by Sweet et al. Claims 2 and 7 have been cancelled so that the rejection is now considered moot.

Appl. No.: 09/900,283
Amdt. dated February 23, 2005
Reply to Office Action of Dec. 17, 2003

F. Allowable Subject Matter

Claims 15, 17, and 18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have cancelled claims 15, 17, and 18 and have essentially rewritten claim 15 in independent form as new claim 33. New claim 33 essentially includes all of the limitations of base claim 1 and intervening claims 10, 11, and 13. For example, new claim 33 essentially corresponds to the allowable subject matter as follows:

Portion of New Claim 33	Essentially Corresponds to:
Lines 1-4	Lines 1-4 of claim 1.
Lines 5-18	Line 5 of claim 1; lines 1-3 of claim 10, and Lines 6-13 of claim 11.
Lines 19-24	Lines 1-6 of claim 13.
Lines 25-30	Lines 8-13 of claim 1.
Lines 31-44	Lines 1-14 of claim 15.

New claim 33 has cosmetic changes made to the allowable subject matter. For example, new claim 33 has reorganized the limitations of the allowable subject matter and changed some wording to make the claim more readable. In addition, the cosmetic changes to the allowable subject matter made in claim 33 are not considered relevant to the patentability of the claim over the prior art of record. Moreover, the cosmetic changes to the allowable subject matter made in claim 33 do not narrow the scope of the claim for any reason related to the statutory requirements for a patent and do not, therefore, surrender subject matter before the Patent Office subject to prosecution history estoppel.

New claim 33 omits limitations "(b) defining a plurality of business objects" and "(c) defining a plurality of IT objects," which were originally present in base claim 1. Furthermore, new claim 33 omits "(i) installing at least two peer-to-peer service processors, including a first processor and a second processor, the IT Infrastructure where a large number of service processors have been installed, where the first processor is a primary processor and the second processor is a backup processor," which was originally present in intervening claim 11. The omission of the above limitations made in claim 33 are not considered relevant to the

Appl. No.: 09/900,283
Amdt. dated February 23, 2005
Reply to Office Action of Dec. 17, 2003

patentability of the claim over the prior art of record. Moreover, the omission of the above limitations made in claim 33 do not narrow the scope of the claim for any reason related to the statutory requirements for a patent and do not, therefore, surrender subject matter before the Patent Office subject to prosecution history estoppel.

Even with the above changes, new claim 33 is still believed to be allowable and allowance of claim 33 is respectfully requested in the next paper from the Office.

New claims 34-47 have been added to depend from new claim 33. New claims 34-47 are supported by originally filed claims 2-9 and 16-21 and do not add new matter. Because these claims depend from new claim 33, they are also believed to be allowable. These new claims 34-47 also contain cosmetic changes to the allowable subject matter, which are not considered relevant to the patentability of the claim over the prior art of record.

G. Conclusion


No fees are believed due at this time. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. Should any fees be due for any reason, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 501922, referencing order No. 149-0116US.

To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

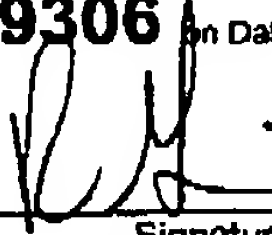
Appl. No.: 09/900,283
Amdt. dated February 23, 2005
Reply to Office Action of Dec. 17, 2003

Respectfully submitted,

Date: Feb. 23, 2005


Sean McDermott
Reg. No. 49,000

Wong, Cabello, Lutsch, Rutherford &
Bruculeri, L.L.P.
20333 SH 249, Ste 600
Houston, TX 77070
832/446-2416
832/446-2424 (facsimile)

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark	
Office Facsimile No. 703-872-9306	on Date: <u>2.23.05</u>
 _____ Signature	
<u>Rebecca Ginn</u> Typed or Printed Name of Person Signing Certificate	